

AMENDED IN SENATE JANUARY 26, 2004

AMENDED IN SENATE MAY 15, 2003

SENATE BILL

No. 805

Introduced by Senator Escutia

February 21, 2003

An act to amend Sections 2623, 26505, 26506, 26525, 26534, 26553, 26558, 26559, 26563, 26567, 26568, 26568.1, 26576, 26579, 26601, and 26650 of, to amend the heading of Division 17 (commencing with Section 26500) of, and to add Sections 26513, 26514, 26515, 26516, and 26580.2 to, the Public Resources Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 805, as amended, Escutia. Hazardous substances: ~~geologic and environmental hazard abatement districts~~ *brownfields*.

Existing law, the California Land Environmental Restoration and Reuse Act, specifies a procedure for the selection of an oversight agency for a property subject to a phase I environmental assessment by representatives of the Department of Toxic Substances Control and the State Water Resources Control Board. The act authorizes a local agency to issue a notice requiring the owner or operator to conduct a phase I environmental assessment of certain property, in response to the release or the threat of a release and to protect human health and the environment, as specified. The act also authorizes the local agency to require the owner or operator to prepare a preliminary endangerment assessment under specified conditions and require or initiate investigation and remedial action.

Existing law requires the California Environmental Protection Agency to initiate a scientific peer review of specified screening levels and to complete the process by December 31, 2004. The agency is required to publish, by March 1, 2004, a list of screening numbers determined for specified contaminants, and to conduct public workshops in establishing and revising those levels. Existing law also requires the agency to conduct a study to evaluate the usefulness of pilot screening numbers, as defined for those purposes, for the scientific peer review of the screening numbers, and to publish a specified informational document.

This bill would declare the intent of the Legislature to enact legislation that would add specific requirements necessary to expedite the restoration and reuse of abandoned and underutilized properties with real or perceived environmental contamination.

~~Under existing law, a geologic hazard abatement district may be formed pursuant to specified provisions for the purpose of prevention, mitigation, abatement, or control of a geologic hazard, as defined, or mitigation or abatement of structural hazards that are partly or wholly caused by geologic hazards.~~

~~This bill would revise the definition of “improvement,” for purposes of a district, to include services with respect to remedial action or the removal of a hazardous substance.~~

~~This bill would change the name of geologic hazard abatement districts to geologic and environmental hazard abatement districts, and also authorize those districts to be formed for the purposes of remedial action or removal of a hazardous substance released or threatened to be released into the environment.~~

~~The bill would require a district formed for purposes related to hazardous substances to have a remedial action plan, and would specify requirements and restrictions with respect to a district formed for those purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 2623 of the Public Resources Code is~~
- 2 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
- 3 ~~following:~~

1 (1) Existing law, the California Land Environmental
2 Restoration and Reuse Act (Chapter 6.10 (commencing with
3 Section 25401.1) of Division 20 of the Health and Safety Code),
4 which is also known as CLERRA, gives cities and counties the
5 authority to either order or directly undertake the investigation
6 and cleanup of abandoned and underutilized parcels of
7 contaminated properties, commonly called "brownfields."

8 (2) CLERRA provides local governments, owners, occupants,
9 and lenders, with immunity from being required by state or local
10 environmental agencies to do further investigation or cleanup
11 work on properties that have already been cleaned up pursuant to
12 the CLERRA environmental oversight process.

13 (3) Furthermore, under CLERRA, the California
14 Environmental Protection Agency (CalEPA) is required to develop
15 pilot screening numbers for 54 hazardous substances that are
16 typically found at brownfield sites.

17 (4) These advisory screening numbers will serve as reference
18 numbers to help developers and local governments estimate the
19 costs and extent of cleanup of contaminated sites, providing
20 valuable information in their development decisions.

21 (5) CLERRA also requires CalEPA to publish a list of screening
22 numbers for specified contaminants to protect human health and
23 safety.

24 (6) After public workshops in northern and southern California
25 in late February 2004, CalEPA plans to publish final screening
26 numbers and a guidance manual by June 2004.

27 (b) It is the intent of the Legislature to enact legislation that
28 would add specific requirements necessary to expedite the
29 restoration and reuse of abandoned and underutilized properties
30 with real or perceived environmental contamination, to create
31 jobs, housing, and increased tax revenues.

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34 **All matter omitted in this version of the**
35 **bill appears in the bill as amended in the**
36 **Senate Assembly, May 15, 2003 (JR 11)**
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